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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,707	07/27/2001	Nam Joong Kim	10484-026US (C&HI-210169-	8252

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT PAPER NUMBER

3629

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/916,707	KIM, NAM JOONG	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>270701</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claim 1 is objected to because of the following informalities:

At line 9, applicant is requested to delete the reference to "130". Also in claim 4, in reference to "150", in claim 8, "160", claim 17, "145". Nowhere else does applicant use reference numbers in the claims so for purposes of consistency throughout the claims, these reference numbers should be deleted.

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 11, 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 10, with respect to "Bluetooth standard", the examiner feels that this does not define any definite structure, but is something that may actually change over time when new advances in technology are made. In other words what Bluetooth means one day may not be the same thing it means at another time, and therefore this limitation is considered indefinite. The examiner also believes that the term "Bluetooth" may actually be a trademark which identifies the source of a product and not the product itself, which also renders the claims indefinite. Trademarks are not supposed to be in claims for this reason.

Appropriate correction is required.

For claim 11, in a similar manner as was discussed with respect to claim 10, the use of the term "Infrared Data Association (IrDA) standard" renders the claim indefinite. The examiner feels that this does not define any definite

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structure, but is something that may actually change over time when new advances in technology are made. This may also be a trademark, which as discussed above is not allowed in claims as they identify the source of a product and not the product itself.

For claims 14,15, there is no antecedent basis for "the cash inlet/outlet module". No such module has previously been claimed so it is not clear what this refers to. Is the first recitation of this term supposed to be in claim 1 or claims 14 and 15 respectively?

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11,13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolls (6606602).

Applicant should take notice that in article claims the manner in which the article is operated is not necessarily going to be given much patentable weight. For example, the display of Kolls is capable of displaying just about anything from a football game to a video game to news to bank account information, so reciting what type of data the display actually displays in an article claim will not get patentable weight other than to the extent that the display must be capable of

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displaying the type of information claimed. Kolls discloses the same type of data claimed anyway so it may be a moot point, but arguing the manner in which the system of the article claims is used or the type of data it displays will most likely be found non-persuasive.

For claims 1,2,4,6, Kolls discloses a vending machine system and method of monitoring such a system. The vending machine can be used to sell goods and services as claimed. The indication module is 128, 110, and 112. The advertisement module is disclosed in column 22, line 48-column 23, line 19. The card settlement unit is 134,136. The ECU is the PC 102 of Kolls. See column 12, lines 19-26 for the disclosure of "touch screen". The ECU requests settlement permission in the manner claimed and executes service requests as claimed. Kolls is fully capable of operating as claimed in claim 6.

For claims 3,7, see column 5, lines 13-23; column 7, lines 1-18; column 12, lines 1-19; column 13, lines 12-33, column 17, lines 1-16 and lines 51-63; column 19, lines 28-54; and column 20, lines 24-30. Kolls discloses what is claimed. The report module is printer 104.

For claim 5, see column 9, lines 44-65.

For claim 8, see column 33, lines 36-40.

For claim 9, see column 5, lines 41-64 and column 8, lines 37-51.

For claims 10,11, as best understood by the examiner due to the indefiniteness of the claims, Kolls discloses what is claimed because wireless communication is disclosed.

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For claims 14,16, for the "communication module" see column 5, line 50-65. Also see column 22, lines 48-64 and column 33, line 28-column 34, line 55. Also see column 9, lines 44-65.

For claim 15, Kolls discloses what is claimed. Kolls discloses a communication module, advertisement module, settlement control unit, and selling module as claimed.

For claim 17, the remote management module is 620. See column 18, lines 22-28.

For claim 13, Kolls does not disclose the use of a Light Emitting Diode as claimed. See element 504.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Werner (6052931). Kolls does not disclose the use of an advertisement module as claimed in claim 12. Werner discloses an advertisement sign that rotates and is capable of displaying more than one advertisement so that the viewing public does not become bored with the same advertisement over time. Werner discloses rotating advertisement boards 14 that each have a rotary shaft 16. The gears are 20. The support plates are the upper and lower plates of 12. The motor is disclosed in column 3, line 23. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Kolls with an advertisement sign such as disclosed by Werner so that further advertising can be done by the vending machine when the display is being used for user input or user interaction. Kolls discloses the concept of advertising at the vending machine and Werner discloses a way to advertise that is more productive than just a single sign. Werner does not disclose the driving belt to transfer power from the motor to the gears or that the ECU controls the sign. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a driving belt to transfer power to the gears because the use of drive belts in mechanical systems is very well known and old in the art. This is how alternators and water pumps in cars operate, a belt is hooked up to the engine to transfer rotational power from the motor to the alternator or water pump. With respect to having the ECU control the advertisement module, this would have been obvious to one of ordinary skill in the art. The ECU already controls the entire vending machine so having it also control the rotating sign is considered obvious as well.

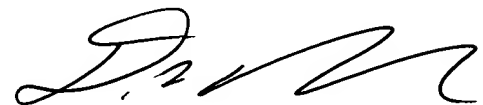
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kolls (6601040, 2001/0016819, 6604086, 6604087, 2002/0077889, 6609102, 6609103, 6622124, 6629080, 6763336, 6643623), van Rijn (6574604), Manross et al. (6466830), Blasy et al. (6442449), and Kim et al. (6330490) disclose vending machines and associated systems.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER